

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**PAVESTONE COMPANY**

**and**

**Case 01-CA-184702**

**INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 653**

**ORDER**

The Employer's Petition to Revoke subpoena duces tecum B-1-U4WPMD is denied.<sup>1</sup> The subpoena seeks information relevant to the matters under investigation

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<sup>1</sup> The Employer states in its petition to revoke that it "stipulates and admits it is an employer in commerce as that term is used in the National Labor Relations Act and is subject to the Board's jurisdiction," arguing that the material requested in paragraph 1 of the subpoena is irrelevant for this reason. (Pet. p. 2.) In its opposition brief, the Region states that it "accepts the Employer's assertion that the Employer meets the Board's jurisdictional standard provided that the Employer is willing to admit to the fact that annually it ships goods valued in excess of \$50,000 directly to customers located outside the Commonwealth of Massachusetts in the event that a Complaint and Notice of Hearing is subsequently issued by the Region." (Opp. p. 2.) We have evaluated the subpoena in light of the Region's conditional acceptance of the Employer's stipulation, and we agree that the Employer is not required to provide the information requested in paragraph 1 of the subpoena, provided that the Employer agrees, in the event that a Complaint and Notice of Hearing is subsequently issued by the Region, to admit to the fact that annually it ships goods valued in excess of \$50,000 directly to customers located outside the Commonwealth of Massachusetts. In addition, the subpoena as written describes with sufficient particularity the employees to whom the requests apply; indeed the Employer did not argue otherwise in its petition to revoke.

Finally, to the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously provided documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

Acting Chairman Miscimarra notes that par. 2 of the subpoena requests a "[l]ist of the names, job titles, addresses, and telephone numbers for all employees employed by Respondent at its Middleboro, Massachusetts facility for any length of time from January 1, 2016 to the present." With regard to requests pertaining to "all employees," Acting Chairman Miscimarra would grant the petition to revoke to the extent that the

and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the National Labor Relations Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 19, 2017

PHILIP A. MISCIMARRA,	ACTING CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER

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requests encompass non-statutory employees. See *Interstate Distributor Co.*, Case 12-CA-172986 (Sept. 16, 2016).